

Rev. (1950). Sept.

Misc. Series.

G.O. No 1698.

1698

Dated 9-6-50.

Abstract

Alienation - Land and Revenue -

(Savitri Kamra) - Lalpithah - Badaga

Other Village - S.Nos. 108/1C-1, 34/2A 334/23
in favour of the Municipal Council Nafu
Sanctioned

REVENUE DEPARTMENT.

Subject:

ALIENATION - Land and Revenue - (South Kanara) Udipi Taluk - Kadavasettu village - S. Nos. 108/1c1, 34/2A and 34/2B for recreation ground and Park - In favour of Municipal Council, Udipi - Recommended.

Ref. J.1943/50-1 Station: Madras. Dated 11th April 1950.

For:

Sri A. L. Mascarenhas, I.A.S., Secretary, Board of Revenue.

Sri A. R. S. Sattianathan, ICS., Commissioner of Land

Recd: From the Collector of South Kanara Ref. J.3.10585-43 dt. 27-3-50.

REFERENCE:

At the instance of the Collector of South Kanara, the Board recommends the alienation of the lots of land comprised in S. Nos. 108/1 34/2A and 34/2B of Kadavasettu village, Udipi taluk measuring acs. 3-25, 1.42 and 1.90 respectively in favour of the Municipal Council, Udipi for use as the sites for recreation ground and park.

2. The alienation will be free of charge for the occupancy right and free of assessment but subject to the following conditions:

1) The land shall be used as the site for a public recreation ground and a park and for no other purpose.

2) The recreation ground and the park shall be laid out within a period of three years from the date of the grant.

3) No building other than required for recreation ground shall be constructed on the land without the previous permission of the Collector of the district.

4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The Collector shall decide whether a net income is derived from the land or not and his decision shall be final.

(5) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(6) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for public purposes or for conducting mining operations. In the event of such resumption, or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less, and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less of any buildings created or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(7) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant of the value of the land at the time of relinquishment whichever may be less.

(8) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(22) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(23) The alienee shall take the steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(24) In the event of the infringement of, or failure to observe any of the conditions (9) to ⁽¹¹⁾(22) the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

for SECRETARY.

3 | To the Secretary to Government, Revenue Department, Madras
with alienation statements
and sketches to be ret'd.

Ms 26/4/50

on no. 24002 A/50-1 dt 26-4-50.

Alienation - land and revenue - (S. Kanara
- Vaiphi taluk - Badagabettu Vge - S. Nos. 108/11
etc in favour of the Municipal Council of
use as the sites for recreation grounds or
park -

CF From the Bd of Rev. E. 1943/50-1 dt 11/4/50

The Bd of Rev. is requested to
and urgently a copy of the South Kanara
Collector's Rep. B.3. 10585-48 dt 22/3/50
referred to in its Ref. cited. The
likeness statements said to have been
inclosed with ^{its} ~~the~~ Bd's Ref. cited have not
been received. The Bd is requested
~~to arrange~~ to send them also.

14/5/50

26/4/50

GOVERNMENT OF MADRAS.
Revenue Department

Memorandum No. 24002-H/50-1 dated 26th April 1950

Alienation - Land and revenue in (South Kanara) - Udipi taluk
Badagabattu village - S.Nos. 108/10 etc. in favour of the
Municipal Council for use as the sites for recreation ground
and park.

From the board of Revenue, E.1943/50-1 dated 11-4-50.

The board of Revenue is requested to send urgently
a copy of the South Kanara Collector's Reference No. 3.10585-48
dated 27-3-50 referred to in its reference cited. The aliena-
tion statements said to have been enclosed with its reference
cited have not also been received. The board is requested
to send them also.

P. Arumuga Mudaliar,
Asst. Secretary to Government.

To

The board of Revenue (L.R.)

Forwarded/By order

Dis. E. 2622 d. 3-5-50
SDcvv/27.4.

Furnished

A. S. S. S.
3/5
For Secretary

Superintendent.
27/4/50

To
The Secretary to Govt
Rev. Del

FROM

JANAB S.M. MALLI, I.Sc(Hons.)
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue, Madras.

Sir,

ALIENATION: Land and Revenue- (South Kanara) Udipi Taluk--
Badagabettu village--S.Nos.108-1C and 34-2--for recreation ground -
application of the Municipal council, Udipi.

**

The Municipal Council, Udipi applies for the alienation of portions of S.Nos.108-1C and S.No.34-2 of Badagabettu village, Udipi Taluk for the purpose of a recreation ground. The land applied for by the council is subdivided as S.No.108-1C1, 34-2A and 34-2D measuring 3-25, 1-42 and 1-96 acres respectively. The sketch of the land is enclosed. The total extent comes to 6.63 acres.

2.The Council intends putting up a ~~gymnasium~~ and audio and laying out a park on the land and convert it into a recreation ground. S.No.33 which is used as a Hindu cremation ground adjoins this land. The Tahsildar therefore did not favour the alienation of the land for the purpose of recreation from a sentimental point of view saying that the proximity of the burial ground is likely to create fright and depress the feelings. But the Revenue Divisional Officer who inspected the land disagreed with the Tahsildar and reported that the land is a decent open plot where any one can come in the evening for the purpose of recreation. He was of the view that the plot is ideal for children of the neighbouring houses to play about. No objection was raised by anybody in response to the notice published in the village. In the circumstances I recommend the alienation of these plots mentioned above in favour of the Municipal council, Udipi.

2.The Municipal council has been granted permission by me to enter upon the land subdivided as S.No.108-1C2 and 34-2C to construct road. The land subdivided as S.No.34-2B contains a devil shrine and a platform said to have been constructed by villagers from collective donations. The villagers assemble at this site on a few occasions in a year for conducting devil dances etc. This land has therefore been excluded from the proposal for alienation. I have already ordered its registration as pramboke land.

3.The market value of the land is estimated at Rs.2500/- per acre according to the following data:-

Annual letting value of similar land per acre.	Rs.112-0-0
Deduct ground rent	11-4-0

Net	100-12-0

Capitalized value at 4%	2518-12-0
Rounded off to	Rs.2500/-

At the above rate the market value of the land comes to Rs.16575-0-0. The capitalized value of the assessment to be foregone is Rs.1864-11-0. The total is Rs.18,439-11-0

4.There is no improvement on the land. The value of tree growth which is Rs.5-3-0 has been credited by the Municipality.

5.As the Municipality is not going to derive any income out of this land I recommend the alienation thereof free of occupancy right and free of assessment.

6.The following enclosures are submitted herewith:
1)Application for the alienation of land.

- ii) Application for the alienation of land revenue.
- iii) Eyesketch.
- iv) Adangal extract
- v) Copy of conditions of alienation notified to the Municipal council.
- vi) Copy of resolution No. 10/16.1.50 of the Municipal council agreeing to abide by the conditions.

As requested by the council I recommend that the council may be granted three years' time to lay out the park. Condition 2 may be modified accordingly.

Yours faithfully,

[Signature]
 1/5 For Collector. 30.3.50

IC/28.3.50.

Application for the alienation of land in which Proprietary right belongs to the State.

- District: South Kanara. Udipi Taluk.
1. Description and area: S.Nos. 108-101, 34/2A and 34/2D of No. 76 Badagabettu village measuring 3.25, 1.42 and 1.96 acres respectively.
2. Market value 16825
 Rs. 16575/- at
 Rs. 2500/- per acre.
3. Alienation and purposes Udipi Municipal council. For purposes of a recreation ground and park
4. Collector's remarks. Recommended.

S. Kanara Collector's Office,)
 Mangalore dated 25.3.50.)

[Signature]
 2/5 For Collector. 30.3.50

Application
 payable for the alienation of land revenue payable to Government.
 District: South Kanara.
 Taluk: Udipi

Descriptive and area: S.Nos. 108/101, 34/2A and 2D of No. 76 Badagabettu village, Udipi Taluk measuring 3.25, 1.42 and 1.96 acres respectively.

2(a) Annual ground rent: 6.63 x 11-4-0
 74.9 2/5

- (b) Capitalised value
 25 times ground rent Rs. 1864-11-0
3. Alienees and purposes of alienation. Municipal council Udipi.
 For purpose of a recreation ground and park
4. Collector's remarks. Recommended.

S. Kanara Collector's Office)
 Mangalore dated 27.3.50.)
 IC/28.3.50.

[Signature]
 3/5 For Collector. 30.3.50

[CN 24002 A/50]

From the Bd of Revenue Ref E1943/5048/1145-0

M-34

A. issue

9-6-50. $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$

Para 1, p 1 of

Para 2, "id"

G.O NO 1698 dated 9-~~6~~ 6.50

The Govt sanction the alienation of the plots of land comprised in S nos 108/101, 34/2A and 34/2D of Badagabettu village, notified under measuring Acts 3.25, 1.42, 1.96 respectively in favour of the Municipal Council, notified for use as the site for recreation ground & park.

2. The alienation will be free of charge for the occupancy right & free of assessment, but subject to the following conditions:—

(1) The land shall be used as the site for a public recreation ground and a park and for no other purpose.

(2) The recreation ground & the park shall be laid out within a period of three years from the date of the grant.

(3) No building other than ^{rest} required for recreation ground shall be constructed or raised without the previous permission of the Collector of the district.

(4) The market value of the land shall be collected, if at any time, it is found that the grantee derives a substantial income from the land. ^{decision of the} ~~the~~ Collector shall ~~decide~~ whether a net income is derived from the land or not and ~~the decision~~ shall be final.

(5) The Government may resume the land, wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(6) The Government may resume the land, wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition, whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(7) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(8) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(9) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

(10) The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(11) The alienee shall take steps to see that the marks made by the officers of the Government on the sandal-wood trees are preserved and are not tampered with: and

(12) In the event of infringement of, or failure to observe any of the conditions to the alienee shall pay to the Government such compensation as is determined by the Collector of the District for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.